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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2155/2015**

DHARAM VEER CHANANA

..... Petitioner

Through

Mr. Jinendra Jain with Mr. Abhishek Jain, Advs.

versus

STATE OF NCT OF DELHI & ANR

..... Respondent

Through

Mr. Kewal Singh Ahuja, APP with SI Nitin Nawani, PS Hauz Qazi.
Mr. Sanjiv Sagar with Mr. Vishal Bansal, Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

26.07.2016

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By the present petition, the petitioner seeks anticipatory bail in case FIR No.305/2014 under Sections 420/34 IPC registered at PS Hauz Qazi, New Delhi. The petitioner is father of Pankaj Chanana who is main accused in the FIR.

Learned counsel for the petitioner submits that the petitioner is not the owner of the property. The complainant was a tenant in the premises and thus he knew the entire ownership of the property. Agreement to sell was entered into for a total sum of ₹1.2 crores out of which a cheque of ₹30 lakhs was returned back, thus making the consideration to ₹90 lakhs. The petitioner to show his bonafide has already been given ₹20 lakhs to the complainant as directed by this Court. Further the petitioner only signed a
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receipt of ₹50 lakhs which amount has already been returned i.e. ₹30 lakhs by way of cheque and ₹20 lakhs as per orders of this Court. The petitioner is not aware about the whereabouts of his son. Further the complainant is residing in the premises till date and for the last three years has paid no rent for the premises.

Learned APP for the State on the other hand contends that both Pankaj Chanana and Dharamvir Chanana. the son and father approached the complainant and represented that they were in need of the money and willing to sell the property bearing No.3269, Gali Peepal Mahadev, Hauz Qazi, Delhi which was rented out to his brother. The complainant accepted the offer to purchase the said property as he was doing business from there. The complainant was assured that the property was free from encumbrances but later he came to know that the property was already mortgaged with Punjab National Bank. The complainant paid ₹1.2 crores out of which ₹30 lakhs were returned by way of cheque. Learned APP further submits that the petitioner was guarantor of the loan amount and the complainant is not the tenant in the property but his brother Pawan Kumar.

Heard learned counsel for the parties.

The complainant in the FIR stated that the abovementioned property was rented out to him and thus, he offered to purchase the said property. A sum of ₹50 lakhs has already been returned. The complainant is in possession of the property and no rent has been paid for the last three years. The property was owned by the son of the petitioner and not the petitioner.

Considering the facts of the case that the complainant continues to be in possession of the suit property and out of ₹1.2 crores, ₹50 lakhs have

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already been returned and rents are due towards the complainant for the last six years and the petitioner has already joined the investigation, I deem it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with two sureties of the like amount to the satisfaction of the Arresting Officer/SHO concerned further subject to condition that the petitioner will join the investigation as and when directed and will not leave the country without prior permission of the Court concerned.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

JULY 26, 2016
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